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February 3, 2016

VIA ECF

Honorable P. Kevin Castel
United States District Judge
U.S. District Court for the Southern District
500 Pearl Street
New York, N.Y. 10013

Re: United States v. Han Cavan., 09 Cr. 1120 (PKC)

Judge Castel:

I am the attorney of record for Han Cavan, the defendant in the above-referenced matter pending before your Honor. During the last court conference, I advised Your Honor that I intend to file a Motion to Dismiss based on the Government's failure to provide Mr. Cavan a Speedy Trial under the Sixth Amendment. Accordingly, Your Honor originally set a motion schedule, with my motion due on January 8, 2016, the Government's Response due on January 29, 2016, and my Reply due on February 9, 2016. By Order dated January 8, 2016, Your Honor granted my request, made with the Government's consent, for an extension to February 5, 2016, to file my motion, with extensions for the Government's Response and my Reply to February 26, 2016, and March 7, 2016, respectively.

As Your Honor is aware, my trial in the case of U.S. v. Jose Luis Gracesqui, 10 Cr. 74 (PKC), finally came to an end yesterday, February 2, 2016. I am now preparing Mr. Cavan's Speedy Trial motion while also catching up on much other work delayed by Mr. Gracesqui's trial. Accordingly, I request an extension of one week, until February 12, 2016, to file my motion. In consultation with AUSA Imperatore, I therefore propose the following new motion schedule, if it is satisfactory to the Court: Defendant's motion due on Friday, February 12, 2016; Government's Response due on Friday, March 4, 2016; and Defendant's Reply due on Monday, March 14, 2016.

Additionally, although the case is still scheduled for conference on March 18, 2016, that date was set on the last conference date when the original motion schedule was set. I, therefore, suggest that the date for the conference be adjourned to the morning of April 22, 2016 (it is the first night of Passover, so I would be unavailable in the afternoon), which is five weeks from the date on which my Reply would be due, if that date is convenient for the Court. I would consent to the exclusion of time under the Speedy Trial Act from March 18, 2016, to April 29, 2016, or whatever date the Court selects for the conference.

This is my second request for an extension of time in which to file my motion. I have spoken to AUSA Edward Imperatore, counsel for the Government, and he has advised me that he consents to this request.

Sincerely,

/s/ Arnold J. Levine
Arnold J. Levine (AL6819)
Attorney for Defendant, Han Cavan

c: AUSA Edward Imperatore (by ECF)